

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

UNITED STATES OF AMERICA, .
vs. . DOCKET NO. 5:17-CR-31-XR-1
MICHAEL J. BADGETT, .
DEFENDANT. .

TRANSCRIPT OF CHANGE OF PLEA PROCEEDINGS
BEFORE THE HONORABLE HENRY J. BEMPORAD
UNITED STATES MAGISTRATE JUDGE
JANUARY 31, 2017

APPEARANCES:

FOR THE PLAINTIFF: DANIEL P. BUTLER
ASSISTANT UNITED STATES ATTORNEY
FRAUD SECTION, CRIMINAL DIVISION
U.S. DEPARTMENT OF JUSTICE
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FOR THE DEFENDANT: MARINA THAIS DOENAT
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REPORTED BY: GIGI SIMCOX, RMR, CRR
OFFICIAL COURT REPORTER
UNITED STATES DISTRICT COURT
SAN ANTONIO, TEXAS

1 (San Antonio, Texas; January 31, 2017, at 2:31 p.m., in
2 open court.)

3 (Miss Ariano and Mr. Zambrano were addressed individually
4 [phonetic spelling].)

5 (The following pertains to Mr. Badgett only.)

6 THE COURT: And then finally in Mr. Badgett's case, I
7 don't want him to feel left out, like there is nothing unusual
8 in his case. In Mr. Badgett's case, this is his first
9 appearance here in court. It's my understanding that there's
10 been an Information proposed by the -- or filed by the
11 government and Mr. Badgett is pleading guilty to all three
12 counts of that Information; is that correct?

13 MS. DOUENAT: That's correct, your Honor.

14 THE COURT: All right. Then I saw in the plea
15 agreement that there was an 11(c)(1)(B), a recommendation
16 agreement in this case, with a guideline range that's been
17 stipulated as part of that recommendation of 37 to 46 months;
18 is that correct?

19 MS. DOUENAT: Right. Yes.

20 THE COURT: Except, that as I understand it, the
21 maximum available, even with consecutive sentences, would be
22 36 months.

23 MS. DOUENAT: That's correct, your Honor.

24 THE COURT: All right. Very well. There is also a
25 plea agreement that -- I'm sorry -- there is a waiver

1 agreement that would waive the right to appeal except in the
2 case of an upward departure, but I don't see how there could
3 be one. I would like just to make sure I understand because I
4 need to advise Mr. Badgett as to the terms of this appeal
5 waiver. So let me hear from the parties as to their
6 understanding.

7 MS. DOUENAT: Well, at this point -- well, you've got
8 a point. We have an agreement that the guidelines are 37,
9 which are beyond what an upward departure could be.

10 THE COURT: Right.

11 MS. DOUENAT: So, yes.

12 THE COURT: So what would happen is, if for some
13 reason the judge were to calculate the guidelines much lower
14 but then depart upward, he would have the right to appeal?

15 MS. DOUENAT: That's correct.

16 THE COURT: Got it.

17 Is that the understanding of the prosecution as well?

18 MR. BUTLER: Yes, your Honor.

19 THE COURT: All right. Very well. I can try to
20 advise Mr. Badgett as is needed under Rule 11 with regard to
21 that. All right. Very well. Thank you. I thank the parties
22 for explaining these circumstances.

23 Now let me turn to the three defendants I have in
24 front of me. Miss Ariano, gentlemen, it's my understanding,
25 as you just heard, I was discussing with the attorneys that

1 you've decided to enter pleas to the charges that have been
2 filed against you in either Informations or Indictments. It's
3 my job to make sure that your decisions are knowing and
4 voluntary, that you understand the -- that you understand the
5 nature of the charges against you in this document, the
6 maximum penalties that you could face, which we were just
7 discussing.

8 I need to make sure you understand your
9 constitutional rights. These are the rights that you give up
10 by pleading guilty today. I want to also make sure that your
11 pleas are not forced, or threatened, or coerced in any way,
12 and that there is a factual basis. In other words, that there
13 are facts that support the pleas that you are entering.

14 Now, to do all of these things I need to ask each of
15 you some questions, so I'm going to ask my courtroom deputy to
16 place each of you under oath at this time.

17 (Miss Ariano, Mr. Zambrano, and Michael J. Badgett were
18 duly sworn.)

19 THE COURT: All right. First thing I need to ask
20 each of you is, I want to make sure you are understanding my
21 questions and can understand these proceedings, so let me ask
22 you this, whether you are currently suffering from any
23 physical ailment, or taking any sort of medication, have any
24 sort of physical or mental condition, or under the influence
25 of drugs or alcohol, anything like that, that would make it

1 difficult for you to understand me today.

2 Miss Ariano, any problems like that, ma'am?

3 THE DEFENDANT: No, your Honor.

4 THE COURT: Mr. Zambrano, any problems like that?

5 THE DEFENDANT: No, your Honor.

6 THE COURT: And how about you, Mr. Badgett, any
7 problems like that?

8 THE DEFENDANT: No.

9 THE COURT: Let me ask counsel for the defense
10 whether they have any doubts as to the competency of their
11 client.

12 For Mr. Badgett?

13 MS. DOUENAT: No, your Honor.

14 THE COURT: For Mr. Zambrano?

15 UNIDENTIFIED SPEAKER: I have no concerns about
16 competency.

17 THE COURT: Thank you.

18 And for Miss Ariano?

19 UNIDENTIFIED SPEAKER: No, your Honor.

20 THE COURT: Now, each of you have been placed under
21 oath. That means you have to answer my questions truthfully.
22 If you were to answer them falsely, you could be prosecuted
23 for perjury or for false statement. So if at any time you
24 don't want to -- you want to speak to an attorney before
25 answering a question to your attorney [verbatim], or you want

1 me to repeat the question before answering, that's fine. Let
2 me know and I'll repeat the question or give you an
3 opportunity to talk to your attorneys.

4 Now, let's look at these documents that we have in
5 front of us. And the first thing I want to point out, I have
6 a Superseding Information for Miss Ariano. I have an
7 Indictment from Midland-Odessa for Mr. Zambrano, and I have an
8 Information for Mr. Badgett. The first thing I want to point
9 out about these documents is the case number.

10 In the case of Mr. Badgett, you'll see a case number
11 in bold letters and numbers at the top of the page. In the
12 case of Miss Ariano, it's a little harder to see. It says it
13 right above the Superseding Information. And for Mr. Zambrano
14 the current case number is right at the top of the document.
15 At the end of those case numbers you'll see some letters,
16 either DAE for David Ezra, or XR for Xavier Rodriguez. These
17 are the district judges in your cases. These are the judges
18 who will be imposing sentence in your cases.

19 Now, you have the right to plead guilty before the
20 district judge, if you wish. Or, if you agree, you can
21 consent to plead guilty in front of me, today, a magistrate
22 judge.

23 So I'll start with you, Miss Ariano. Do you consent
24 to plead guilty before me today?

25 THE DEFENDANT: Yes, your Honor.

1 THE COURT: How about you, Mr. Zambrano?

2 THE DEFENDANT: Yes, your Honor.

3 THE COURT: How about you, Mr. Badgett?

4 THE DEFENDANT: Yes, your Honor.

5 THE COURT: That reminds me. I have one more
6 question about Mr. Badgett's case. This is now a class A
7 misdemeanor, but I'm assuming the parties are still going to
8 seek to have this case sentenced before Judge Rodriguez; is
9 that correct?

10 MR. BUTLER: That is correct, your Honor.

11 MS. DOUENAT: Yes, your Honor.

12 THE COURT: All right. I just wanted to make sure.
13 Very well.

14 (Miss Ariano and Mr. Zambrano were addressed
15 individually.)

16 (The following pertains to Mr. Badgett only.)

17 THE COURT: Now I'll finally turn to Mr. Badgett.
18 Mr. Badgett, this is your first time in court on this matter,
19 but you're here on an Information. This particular
20 Information charges three counts. That means three different
21 offenses. And those offenses are all the same charge, willful
22 failure to file a tax return. Let me ask you, sir, have you
23 received a copy of this Information and discussed it with your
24 attorney?

25 THE DEFENDANT: Yes, your Honor.

1 THE COURT: All right. Do you understand the nature
2 of the charges in the Information against you?

3 THE DEFENDANT: Yes, your Honor.

4 THE COURT: There is also a plea agreement in your
5 case, sir. Did you sign the plea agreement documents in this
6 case?

7 THE DEFENDANT: Yes, your Honor.

8 THE COURT: All right. Did you review them with your
9 attorney?

10 THE DEFENDANT: Yes, your Honor.

11 THE COURT: And do you agree to them, sir?

12 THE DEFENDANT: Yes, your Honor.

13 THE COURT: All right. Then as to the charges of
14 willful failure to file a return in counts one through three
15 of the information against you, how do you plead, guilty or
16 not guilty?

17 THE DEFENDANT: Guilty.

18 (The following pertains to all defendants.)

19 THE COURT: All right. Now, before I can recommend
20 that these guilty pleas be accepted, I need to advise you of
21 the rights you're giving up by pleading guilty today. Each of
22 you have the right to plead not guilty. If you pled not
23 guilty, the government, represented by the prosecutors, would
24 be called upon to present witnesses against you at trial. You
25 would have a right to be represented by your attorney

1 throughout the proceedings, to cross-examine and confront any
2 witness against you. You would have the right to present your
3 own witnesses, if you wish.

4 Each of you would have the right to testify, if you
5 wish. But if you chose not to testify, you would have the
6 right to remain silent and it couldn't be held against you if
7 you decided not to testify. Most importantly, each of you
8 would be presumed innocent of these charges. It would be the
9 government's burden to prove you guilty beyond a reasonable
10 doubt to a jury.

11 Mr. Badgett, do you understand this?

12 THE DEFENDANT: Yes.

13 THE COURT: All right. How about you, Mr. Zambrano,
14 do you understand?

15 THE DEFENDANT: Yes, your Honor.

16 THE COURT: And you, Miss Ariano, do you understand,
17 ma'am?

18 THE DEFENDANT: Yes, your Honor.

19 THE COURT: All right. By pleading guilty today
20 you're giving up these rights. You're allowing the district
21 judge to find you guilty based solely on your own statements.

22 Mr. Badgett, do you understand?

23 THE DEFENDANT: Yes, your Honor.

24 THE COURT: Mr. Zambrano?

25 THE DEFENDANT: Yes, your Honor.

1 THE COURT: And you, Miss Ariano?

2 THE DEFENDANT: Yes, your Honor.

3 THE COURT: All right. Now, I also want to talk to
4 you about the consequences of your plea. In other words, the
5 penalties you could face by pleading guilty today. And these
6 penalties are actually set out in the plea agreements in your
7 case.

8 So I'll start with you Miss Ariano.

9 (Miss Ariano and Mr. Zambrano were addressed
10 individually.)

11 (The following pertains to Mr. Badgett only.)

12 THE COURT: In your case, Mr. Badgett, you'll find
13 the penalties on page --

14 MR. BUTLER: Two, your Honor.

15 THE COURT: Two, yeah. Page two, paragraph three of
16 the plea agreement. They are as follows: For each of the
17 counts in the Indictment -- I'm sorry -- the Information, you
18 face up to one year of imprisonment, a maximum fine of
19 \$25,000.

20 Is that correct?

21 MR. BUTLER: Yes, your Honor.

22 THE COURT: A maximum term of supervised release for
23 each count of one year, and a mandatory special assessment of
24 \$25 per count. These are the penalties you face, sir. Do you
25 understand?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Now, there is also, in the plea agreement
3 you have agreed, as I -- if I remember, to also pay
4 restitution in this case and also pay prior year income taxes.
5 Do you understand that, sir?

6 THE DEFENDANT: Yes, your Honor.

7 (The following pertains to all defendants.)

8 THE COURT: Now, I want to talk to all of you about a
9 couple of these penalties in more detail. First let's talk
10 about imprisonment. In determining the imprisonment term, the
11 length of it, or whether to impose imprisonment, and so forth,
12 the district judges have to consider something called the
13 sentencing guidelines. Now, they are a set of rules created
14 by the sentencing commission in Washington and they set up a
15 range of punishment for each defendant, based both on the
16 defendant's background, any criminal history they might have,
17 but also the offense to which they have been found guilty.

18 What each of you need to understand is these
19 guidelines are advisory only. That means the judge has to
20 consider them but he doesn't have to follow them. He can
21 depart from the guidelines for reasons identified by the
22 sentencing commission, or he can simply reject the guidelines
23 and impose any sentence he believes to be appropriate under
24 the applicable sentencing statutes.

25 Let me start with you, Mr. Badgett, have you

1 discussed the guidelines with your attorney?

2 THE DEFENDANT: Yes, your Honor.

3 THE COURT: And you understand they are advisory only
4 in your case; the judge has to consider them but he doesn't
5 have to follow them?

6 THE DEFENDANT: Yes, your Honor.

7 THE COURT: Mr. Zambrano, same question for you, sir.
8 Did you discuss the guidelines with your attorney?

9 THE DEFENDANT: Yes, your Honor.

10 THE COURT: And you understand they are advisory only
11 in your case?

12 THE DEFENDANT: Yes, your Honor.

13 THE COURT: Miss Ariano, same questions for you,
14 ma'am. Did you discuss the guidelines with your attorney?

15 THE DEFENDANT: Yes, your Honor.

16 THE COURT: And you understand they are advisory
17 only?

18 THE DEFENDANT: Yes, your Honor.

19 THE COURT: All right. Now, I also want to talk to
20 you about supervised release. There is no parole in the
21 federal system. If imprisonment is imposed, that is the time
22 you will do, less only a very small amount off for good time.

23 There is, however, supervised release. It works like
24 parole. You are released on conditions. You have to follow
25 those conditions. If you fail to follow those conditions, you

1 can have your release revoked and go back to prison without
2 credit for the time you had on release.

3 Mr. Badgett, do you understand?

4 THE DEFENDANT: Yes, your Honor.

5 THE COURT: Mr. Zambrano, do you understand, sir?

6 THE DEFENDANT: Yes, your Honor.

7 THE COURT: And you, Miss Ariano, do you understand,
8 ma'am?

9 THE DEFENDANT: Yes, your Honor.

10 THE COURT: All right. Let me ask you, Mr. Badgett,
11 are you a citizen of the United States?

12 THE DEFENDANT: Yes, your Honor.

13 THE COURT: Mr. Zambrano?

14 THE DEFENDANT: Yes, your Honor.

15 THE COURT: And you, Miss Ariano?

16 THE DEFENDANT: Yes, your Honor.

17 THE COURT: The reason I ask is for noncitizens there
18 are more consequences I have to talk to them about. Knowing
19 all of the consequences I have mentioned, however, do you
20 still want to plead guilty, Mr. Badgett?

21 THE DEFENDANT: Yes, your Honor.

22 THE COURT: Mr. Zambrano?

23 THE DEFENDANT: Yes, your Honor.

24 THE COURT: And you, Miss Ariano?

25 THE DEFENDANT: Yes, your Honor.

1 THE COURT: All right. Now, I also want to talk to
2 you, as I mentioned, about the plea agreements in your cases,
3 because in the plea agreements each of you have agreed to do
4 some things and the government has agreed to do some things.
5 One of the things that each of you has agreed to do is waive
6 your right to appeal your sentence, and that goes back to some
7 of the things I mentioned before.

8 You might disagree with the way that the district
9 judge calculates the guidelines in your case, or you might
10 disagree with the sentence he ultimately chooses to impose.
11 Normally you would have a right to challenge the guideline
12 calculations in matters like that, but you are waiving some or
13 all of that right in exchange for the concessions of the
14 government in these plea agreements.

15 Mr. Badgett, do you understand?

16 THE DEFENDANT: Yes, your Honor.

17 THE COURT: How about you, Mr. Zambrano, do you
18 understand?

19 THE DEFENDANT: Yes, your Honor.

20 THE COURT: And you, Miss Ariano, do you understand?

21 THE DEFENDANT: Yes, your Honor.

22 THE COURT: All right. Now, the government has
23 agreed to do some things as well. So in the case of Miss
24 Ariano, the government has agreed to dismiss the Indictment
25 against you, ma'am, you're going forward on a Superseding

1 Information.

2 In the case of Mr. Zambrano the government has agreed
3 to a sentence. A sentence of -- the parties have agreed to a
4 sentence, a sentence of 120 months on this count. All right.

5 And in Mr. Badgett's case, the government has agreed
6 to make some recommendations, or to -- recommendations as to
7 the guideline range, recommendation as to the sentencing
8 matters in this case.

9 If the government does not dismiss the charge against
10 you in the Indictment, Miss Ariano, you can withdraw your
11 plea.

12 In your case, Mr. Zambrano, if the government -- if
13 the judge imposes a sentence other than ten years on this
14 count, you can withdraw your plea.

15 But with regard to other sentencing recommendations,
16 for example, a recommendation as to acceptance of
17 responsibility, for you, Miss Ariano, or recommendation in
18 your case, Mr. Zambrano, as to whether the sentence should be
19 concurrent or consecutive, you might disagree with the way the
20 judge imposes sentence.

21 And, again, Mr. Badgett, in your case, the judge
22 might not follow the recommendations of the government or the
23 recommendations of your attorney. Each of you need to
24 understand this ultimate sentencing decision is up to the
25 judge. And even if the judge doesn't follow those sorts of

1 recommendations, you can't withdraw your plea.

2 Mr. Badgett, do you understand?

3 THE DEFENDANT: Yes, your Honor.

4 THE COURT: Mr. Zambrano, do you understand, sir?

5 THE DEFENDANT: Yes, your Honor.

6 THE COURT: And you, Miss Ariano, do you understand?

7 THE DEFENDANT: Yes, your Honor.

8 THE COURT: All right. Now, besides the promises and
9 predictions in these plea agreements, let me ask you this.
10 Has anybody made any promise to you, or any prediction to you
11 as to what your sentence will be?

12 Mr. Badgett?

13 THE DEFENDANT: No.

14 THE COURT: Mr. Zambrano?

15 THE DEFENDANT: No, your Honor.

16 THE COURT: Miss Ariano?

17 THE DEFENDANT: No, your Honor.

18 THE COURT: All right. Has anyone forced you, or
19 threatened you, or coerced you in any way into pleading
20 guilty, Mr. Badgett?

21 THE DEFENDANT: No, your Honor.

22 THE COURT: Mr. Zambrano?

23 THE DEFENDANT: No, your Honor.

24 THE COURT: And Miss Ariano?

25 THE DEFENDANT: No, your Honor.

1 THE COURT: All right. The last thing I need to
2 determine is whether there is a factual basis to support the
3 pleas that you are entering. That means there are facts to
4 support the charges in these charging documents against you.
5 In each of your cases in the plea agreement there is a factual
6 basis set out as to what facts the government believes they
7 could prove beyond a reasonable doubt if the case went to
8 trial.

9 Let me start with you, Mr. Badgett. Oh. I'm sorry
10 Mr. Badgett. I said that wrong. There is a separate document
11 in your case that's a factual basis. It's not actually a part
12 of the plea agreement, but there's a separate factual basis.
13 It appears to be signed by you, signed by your attorney,
14 signed by the attorney for the government. Let me ask you
15 about that, sir. Have you reviewed this factual basis with
16 your attorney?

17 THE DEFENDANT: Yes, your Honor.

18 THE COURT: Do you agree with these facts?

19 THE DEFENDANT: Yes, your Honor.

20 THE COURT: All right. Now, in your case,
21 Mr. Zambrano, the facts are actually set out in the plea
22 agreement and there was one correction that was made on page
23 three, that you were not arrested at the residence where they
24 found this methamphetamine and heroin, you were arrested at
25 your own residence at the time of this offense. Other than

1 that, have you reviewed the facts in the plea agreement with
2 your attorney?

3 THE DEFENDANT: Yes, your Honor.

4 THE COURT: And do you agree with the facts in the
5 plea agreement?

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: All right. Same question for you,
8 Miss Ariano. Have you reviewed the facts in the plea
9 agreement with your attorney?

10 THE DEFENDANT: Yes, your Honor.

11 THE COURT: And do you agree with these facts, ma'am?

12 THE DEFENDANT: Yes, your Honor.

13 THE COURT: Miss Ariano, any question about anything
14 we've done today?

15 THE DEFENDANT: No, your Honor.

16 THE COURT: How about you, Mr. Zambrano, any question
17 about anything we've done today?

18 THE DEFENDANT: No, sir.

19 THE COURT: Mr. Badgett, any questions at this time,
20 sir?

21 THE DEFENDANT: No, sir.

22 THE COURT: All right. Very well. Then I'm going to
23 make the following findings. I find that each of the
24 defendants is competent to proceed today; that each of the
25 defendants consented to plead guilty in front of me, a

1 magistrate judge; that each of the defendants understands the
2 nature of the charges in these documents against them and the
3 penalties that they face by pleading guilty; that each of the
4 defendants understands their constitutional rights and their
5 statutory rights, and have decided to waive those rights; that
6 each of the pleas entered are freely, knowing, and voluntarily
7 made; and that there is a factual basis to support each of the
8 pleas.

9 I therefore will recommend to the district judges
10 that the plea has been accepted and a judgment of guilty as to
11 each of the defendants.

12 Now, I want to speak to you briefly about sentencing
13 in your cases. In Mr. Sombrano's case sentencing is set for
14 April 10th at 9 in the morning.

15 UNIDENTIFIED SPEAKER: Your Honor, is that the same
16 day as the sentencing in the San Antonio guilty plea?

17 THE COURT: I'm assuming, but I do not know.

18 UNIDENTIFIED SPEAKER: Okay.

19 THE COURT: But I'll ask my courtroom deputy to
20 check.

21 In the case of Miss Ariano, sentencing is set for
22 May 1st at 9 in the morning.

23 And in the case of Mr. Badgett, sentencing is set for
24 May 3rd at 1:30 in the afternoon.

25 Now, before sentencing in your cases, the probation

1 officer will create something called a Presentence Report.
2 It's a report that has information about you, your background,
3 any criminal history you might have. It will also have
4 information about this offense you've been found guilty of and
5 the guidelines that I mentioned before.

6 As part of creating those reports, the probation
7 officer will probably want to interview each one of you. You
8 have a right to have your attorney present for the interview.
9 You have a right to object to anything you disagree with in
10 the report, and you have a right to comment on the report at
11 sentencing, and each of you will have the right to speak to
12 the judge before sentence is imposed.

13 Now, the last thing I want to cover today is in
14 Mr. Badgett's case. As I mentioned, Mr. Badgett, this is your
15 first time here in court and we did all of your proceedings at
16 one time. So I'm prepared to set conditions of release in
17 this case. You'll be on conditions of release until the time
18 of your sentencing, unless there is any objection from the
19 government at this time.

20 MR. BUTLER: No, your Honor.

21 THE COURT: All right. Very well.

22 I have a pretrial services report in your case and
23 I'm going to review these conditions right now. Mr. Badgett,
24 am I right in saying that you are living in Riverview, Florida
25 right now?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: All right. Very well.

3 All right. So let me go over the conditions with
4 you, sir. What I'm going to be setting is called an
5 appearance and compliance bond. It's not -- you are not
6 required to put any money up, but a bond is a promise by you.
7 It's a promise that you are going to appear for court, and if
8 imprisonment is imposed, that you will come and do your time,
9 and that you are going to follow the other conditions that I'm
10 setting today.

11 I'm setting that bond in the amount of \$50,000. So
12 if you fail to show up for court, or you violate the
13 conditions of bond, you are going to have a money judgment
14 against you to the federal government in the amount of
15 \$50,000. Do you understand?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: All right. I'm going to set some
18 conditions as I mentioned. The most important condition,
19 first condition, is that you report to your pretrial services
20 officer. It will probably be an officer there in Florida, but
21 it may be here in San Antonio, and that's important because
22 that's the person who's going to be monitoring your case to
23 make sure you follow all the other conditions that I set.

24 I'm going to require that you maintain verifiable
25 employment. You need to surrender any passports you have and

1 not obtain another passport. You are going to be residing at
2 the residence we just mentioned in Riverview, and that's been
3 approved by pretrial services. Your travel will be restricted
4 to the Western District of Texas -- that's where San Antonio
5 is -- and also the Middle District of Florida, which is a
6 large district in Florida. If you have questions about where
7 exactly you can travel for business or other purposes, you
8 need to talk to your pretrial services officer.

9 I'm going to also -- let me see. I think those are
10 all the conditions I'm going to set in this case, unless there
11 is a request for any other conditions from the government.

12 MR. BUTLER: No, your Honor.

13 THE COURT: All right. Very well.

14 MS. DOUENAT: Sorry, your Honor. I just wanted to
15 confirm that his family was --

16 THE COURT: Is here?

17 MS. DOUENAT: Is here.

18 THE COURT: So he's in Florida but his family is
19 here. So I'll allow you to travel, not just for court, but
20 you can travel to visit your family. I'm not going to
21 restrict the reasons for which you could travel.

22 All right. Do you agree to follow these conditions
23 that I have set, Mr. Badgett?

24 THE DEFENDANT: Yes, your Honor.

25 THE COURT: All right. Then I'm going to go ahead

1 and sign the conditions of release and the appearance bond at
2 this time. You'll get a chance to review these with your
3 attorney to sign these documents as well. Then you'll need to
4 go to the marshal's office, probably so they can get some
5 identification information from you for processing, and then
6 you'll be ready to go on your way.

7 Let me ask. Anything further in Mr. Badgett's case
8 from either party?

9 MS. DOUENAT: No, your Honor.

10 MR. BUTLER: No, your Honor.

11 (Concludes proceedings.)

12 -o0o-

13 I certify that the foregoing is a correct transcript from
14 the record of proceedings in the above-entitled matter. I
15 further certify that the transcript fees and format comply
16 with those prescribed by the Court and the Judicial Conference
17 of the United States.

18

19 Date: 01/30/2018 /s/ Gigi Simcox
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24
25